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AUG 30 2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,747

03/12/2004

Erin Leigh

6412

7590
Erin Leigh Wyckoff
Apt. 29J
303 East 83rd Street
New York, NY 10028

08/23/2007

EXAMINER

ROSEN, ELIZABETH H

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,747

Applicant(s)

LEIGH ET AL.

Examiner

Elizabeth Rosen

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☒ Claim(s) 1-2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on March 12, 2004.
2. Claims 1 and 2 are currently pending and have been examined.

Claim Objections

3. Claims 1 and 2 are objected to as failing to use proper format. Please note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Burnett, U.S. Patent Application Publication Number 2004/0267650.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

As per **claim 1**, Burnett teaches:

- *automatically deducting money from one's paycheck and transferring these funds as a donation to the employee's organization of choice (direct deposit)* (see at least paragraph 0004: "Other organizations work with companies to get the employees to donate to these organizations through these companies. In this process, employees designate a certain amount of money to be sent to an organization through a payroll deduction process. In this process, the designate money is taken directly from the employee's paycheck and sent to the designated organization. With this approach, the individual does not have the responsibility of actually paying the money to the organization.").

As per **claim 2**, Burnett teaches:

- *the creation of a middleman service that is responsible for promoting, receiving, tracking, and ultimately donating the directly deposited funds to the various non-profit organizations* (see at least paragraph 0004: "These non-profit organizations have various activities in order to raise funds for various services that they provide to the community. Some major organizations have telethons and fund raising campaigns to generate contributions. Other organizations work with companies to get the employees to donate to these organizations through these companies. In this process, employees designate a certain amount of money to be sent to an organization through a payroll deduction process. In this process, the designate money is taken directly from the employee's paycheck and sent to the designated organization. With this approach, the individual does not have the responsibility of actually paying the money to the organization." and paragraph 0014: "The present invention provides a method and system that electronically collects monies from donor individuals and organizations and distributes these collected monies to designated charitable and other non-profit organizations such as churches.").

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Winklevoss et al., U.S. Patent Application Publication Number 2004/0162775 A1, teaches *In another example, an employer may offer donor-directed asset management accounts as a benefit to employees. In this embodiment, an employee may have an amount of money withheld from each paycheck to be donated to an NPO and the employer may provide an account enabling the employee to direct the investment of the money. The employer may provide additional "matching" funds to increase an employee's donation.* (see at least paragraph 0112).
 - McDonald, June 2003, teaches giving to charity through payroll deduction.
 - Vesely, June 2003, teaches *Participating companies typically collect pledge forms and donations – often taken directly from employee paychecks – and forward them to PipeVine. In turn, PipeVine sends a check to the charities selected by the employees in exchange for a flat fee.*
7. An examination of this application reveals that applicant may be unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to

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secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

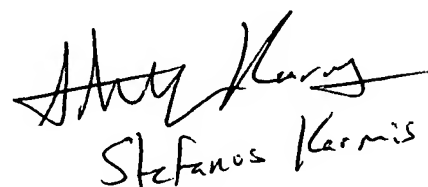
A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Rosen whose telephone number is 571-270-1850. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Reagan can be reached at 571-272-6710. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Elizabeth Rosen
Title: Patent Examiner



Stefanos Kermis

Notice of References Cited

Application/Control No.

10/798,747

Applicant(s)/Patent Under
Reexamination
LEIGH ET AL.

Examiner

Elizabeth Rosen

Art Unit

3609

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0267650 A1	12-2004	Burnett, Andrew Bryan	705/035
*	B	US-2004/0162775 A1	08-2004	Winklevoss et al.	705/036
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	McDonald, Jeff, "United Way Results Buck National Trend," The San Diego Union (Jun. 27, 2003) p.B.1.1.7.
	V	Vesely, Rebecca, "Firm's Closure Could Cost Charities Millions," Oakland Tribune (Jun. 5, 2003) p. 1.
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Databases selected: Multiple databases...

Firm's closure could cost charities millions

Rebecca Vesely, STAFF WRITER. Oakland Tribune. Oakland, Calif.: Jun 5, 2003. pg. 1

Companies: PipeVine Inc
Author(s): Rebecca Vesely, STAFF WRITER
Section: Headline News
Publication title: Oakland Tribune. Oakland, Calif.: Jun 5, 2003. pg. 1
Source type: Newspaper
ISSN: 10685936
ProQuest document ID: 344130591
Text Word Count: 768
Document URL: <http://proquest.umi.com/pqdweb?did=344130591&sid=2&Fmt=3&clid=19649&RQT=309&VName=PQD>

Abstract (Document Summary)

Participating companies typically collect pledge forms and donations -- often taken directly from employee paychecks -- and forward them to PipeVine. In turn, PipeVine sends a check to the charities selected by the employees in exchange for a flat fee.

PipeVine processed \$3 million in donations for Network for Good during April and May. [Ken Weber] said he did not yet know how many of those checks had reached the intended charities.

PipeVine was founded in 1993 as a subsidiary of United Way of the Bay Area. Although the company shares the same San Francisco offices as the United Way, [Anne Wilson] stressed that PipeVine is now a separate nonprofit organization and no United Way employees sit on its board.

Full Text (768 words)

Copyright ANG Newspapers Jun 5, 2003

San Francisco-based PipeVine Inc., which processed millions of dollars in employee donations to charitable organizations, released a statement Wednesday night blaming its abrupt collapse on accounting problems.

PipeVine handled more than \$100 million a year in donations for the United Way of the Bay Area, Wells Fargo, Macy's West, San Francisco's McKesson, ChevronTexaco and the United Way of King County in Seattle, among others.

PipeVine said its board learned of "a potential accounting problem" in February and asked its auditor, Grant Thornton, to investigate.

That investigation revealed no "major or systemic problems," PipeVine said.

But on Grant Thornton's recommendation, PipeVine retained another accounting firm, Hood & Strong, to do a more thorough investigation.

"That investigation, which has not been finalized, indicated that the company's financial statements did not reflect the full amount owed to charities," the organization said.

PipeVine's financial statements "masked a serious shortfall in revenue," its statement said.

It charged an average of 7 percent of the amount of donations it handled in fees to support itself, but the actual costs of processing donations were 8 percent to 9 percent on average. In other words, expenses outstripped income by up to 2 percent.

PipeVine e-mailed a short statement to its partners on Sunday stating that the company was "ceasing operations due to a severe liquidity crisis," according to Network for Good, an e-philanthropy group that received the e-mail.

In a statement released Tuesday, PipeVine said that "the company has a negative fund balance that will result in a shortfall ... to some charitable organizations."

It is not known exactly how much money was not forwarded to the receiving charities. Attempts by some participating companies to contact PipeVine board members have been unsuccessful.

PipeVine officials met with representatives of the state Attorney General's office Friday and audits of their books were completed by two separate firms, said Anne Wilson, CEO of the United Way of the Bay Area, who also met with representatives from the attorney general's office Friday on the matter.

The audits turned up no evidence of embezzlement or fraud, Wilson said.

A spokesman for the state attorney general's office said it was looking into the matter.

Participating companies typically collect pledge forms and donations -- often taken directly from employee paychecks -- and forward them to PipeVine. In turn, PipeVine sends a check to the charities selected by the employees in exchange for a flat fee.

The United Way of the Bay Area paid PipeVine seven cents of every dollar it collected, Wilson said.

PipeVine attributed its abrupt closure to "outstanding financial obligations," according to a letter sent to United Way of the Bay Area.

PipeVine laid off all 55 employees Monday. Its Web site tells customers to "revisit this site in the next several days to connect with the organization that will be managing the wind down of PipeVine's assets."

Wilson said the economic downturn and decline in charitable donations was likely "an aspect" of PipeVine's demise.

"PipeVine was set up on a transaction model," Wilson said. "The fewer transactions they get, the less money they make."

But some partners weren't so sure.

"Seven digits doesn't go missing without something going on," said Ken Weber, interim president of Network for Good, which allows people to donate to charities online.

PipeVine processed \$3 million in donations for Network for Good during April and May. Weber said he did not yet know how many of those checks had reached the intended charities.

The United Way of the Bay Area relied on PipeVine to process more than \$40 million in donations collected from workers at 600 area companies to go to 6,000 nonprofits last year, Wilson said.

Wilson said she believed most checks had already been processed because she had not received any calls from charities saying their checks are missing.

If any donations aren't received, Wilson said, the United Way of the Bay Area would dip into its \$5 million reserve to cover the costs.

But smaller charitable groups won't have that option.

"We're a small nonprofit with seven full-time staff," Weber said. "We're not a bank and we're not a United Way."

PipeVine was founded in 1993 as a subsidiary of United Way of the Bay Area. Although the company shares the same San Francisco offices as the United Way, Wilson stressed that PipeVine is now a separate nonprofit organization and no United Way employees sit on its board.

The United Way of the Bay Area is asking anyone with questions about PipeVine -- including donors and charities -- to call (800) 273-1779.

Wire services contributed to this report.

Contact Rebecca Vesely at rvesely@angnewspapers.com.

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Databases selected: Multiple databases...

United Way results buck national trend; [1,2,6,7 Edition]

Jeff McDonald. *The San Diego Union - Tribune*. San Diego, Calif.: Jun 27, 2003. pg. B.1.1.7

Companies: United Way (NAICS: 813219, Sic:8322)

Author(s): Jeff McDonald

Document types: STATISTICS

Section: LOCAL

Publication title: *The San Diego Union - Tribune*. San Diego, Calif.: Jun 27, 2003. pg. B.1.1.7

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ISSN: 1063102X

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Text Word Count 428

Document URL: <http://proquest.umi.com/pqdweb?did=353219281&sid=2&Fmt=3&clientId=19649&RQT=309&VName=PQD>

Abstract (Document Summary)

The \$25.7 million -- collected in a campaign that annually goes from June to June -- falls short of the organization's all-time high of more than \$30 million, received in 1991. By the mid-1990s, however, donations to the United Way had dipped to barely \$21 million.

More than 200,000 employees across the county regularly contribute money from their paychecks to the United Way. The charity distributes most of its donations to other nonprofit groups around the region.

Across the United States, the climate for charitable donations dropped sharply over the past 12 months, according to researchers at the Center on Philanthropy at Indiana University.

Full Text (428 words)

Copyright Union-Tribune Publishing Co. Jun 27, 2003

Editions vary

A nationwide slump in charitable giving apparently hasn't deterred San Diego County residents from handing money over to the United Way.

Organizers of the charity's annual fund-raising drive announced yesterday that they surpassed collections from a year ago, despite a major decline in philanthropy across the country.

United Way reported 2002-03 donations of just over \$25.7 million -- a few thousand dollars more than the charity collected a year ago, but far more than most other organizations have been able to raise.

"In these tough economic times, it feels good to report an increase of any amount," United Way president and chief executive officer Fred Baranowski said in a prepared statement.

"San Diegans should be proud that they maintained their level of support this year, as many United Ways around the country and the agencies they serve suffered decreases due to the sluggish economy."

The \$25.7 million -- collected in a campaign that annually goes from June to June -- falls short of the organization's all-time high of more than \$30 million, received in 1991. By the mid-1990s, however, donations to the United Way had dipped to barely \$21 million.

More than 200,000 employees across the county regularly contribute money from their paychecks to the United Way. The charity distributes most of its donations to other nonprofit groups around the region.

United Way officials said they trimmed overhead costs from 17.6 percent to 13.8 percent over the past three years, making more donations available for program services. The agency estimates that more than 1 million people in San Diego County benefit from United Way-funded programs each year.

"Every little bit helps," Jerry Sanders, the former San Diego police chief who was this past year's campaign chairman, said in a news release.

"Giving a few dollars through payroll deduction makes a huge difference, no matter what your income, and is the most convenient means of supporting those in need."

Across the United States, the climate for charitable donations dropped sharply over the past 12 months, according to researchers at the Center on Philanthropy at Indiana University.

Among other conditions, researchers cited the struggling economy and the continuing war in Iraq for what they concluded was a decline of almost 19 percent in the so-called Philanthropic Giving Index, an all-time low since the survey was begun in 1998.

"Fund-raisers are being hard-pressed to diversify funding sources to support important initiatives and to be ever more efficient in the work they do," said Eugene R. Temple, the center's executive director.

Jeff McDonald: (619) 542-4585; jeff.mcdonald@uniontrib.com

Credit: STAFF WRITER

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